

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 31ST OCTOBER 2007 / 9TH KARTHIKA 1929

Bail Appl..No. 6603 of 2007(A)

CRIME NO. 101/2007 of PERUMPATTY POLICE STATION
.....

PETITIONER/ACCUSED

V.G.SASIDARAN NAIR,
AGED 48 YEARS, S/O. GOPALAN NAIR
THAZHATHEDATHU HOUSE
PERUMPATTY VILLAGE, PERUMPATTY P.O.
MALLAPPALLY TALUK.

BY ADV. SRI.M.T.SURESHKUMAR
SRI. RAJA VIJAYARAGHAVAN

RESPONDENTS: COMPLAINANT

STATE OF KERALA REPRESENTED BY
THE PUBLIC PROSECUTOR HIGH COURT OF KERALA
ERNAKULAM.

BY ADV. SRI. JAI GEORGE, PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 31/10/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R.BASANT, J
= = = = =
B.A.No. 6603 of 2007
= = = = =

Dated this the 31st day of October, 2007

ORDER

Application for anticipatory bail. The petitioner, the Secretary of the Co-operative Society now faces allegations for offences punishable , inter alia, under Section 409 IPC. During the period 2002-2003 he is alleged to have committed misappropriation of a huge amount of Rs.3.4 lakhs. The crime has been registered. Investigation is in progress.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. He has explained how the discrepancies arose by Annexure A- reply submitted to the President. The alleged discrepancies have been satisfactorily explained. Moreover all the allegations can be proved by documents which are in the possession of the complainant- a Co-operative Society. In these circumstances, arrest and incarceration of the petitioner is absolutely unnecessary, urges the learned counsel for the petitioner.

3. The learned Public Prosecutor opposes the application. The learned Public Prosecutor submits that there is no exceptional circumstance in this case suggesting the need for invocation of the extraordinary equitable discretion under Section 438 Cr.P.C.

4. Having considered all the relevant inputs, I find merit in the opposition by the learned Public Prosecutor. I shall carefully avoid any detailed discussions on merits about the acceptability of the allegations or the credibility of the data collected. Suffice it to say that this is a fit case where the petitioner must appear before the learned Magistrate or the investigating officer and seek regular bail in the normal and ordinary course.

5. In the result, this petition is dismissed. Needless to say, if the petitioner surrenders before the investigating officer or the learned Magistrate and applies for bail, after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits, in accordance with law and expeditiously.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE

